

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1265 because it conflicts with HEA 1822-2005 without properly recognizing the existence of HEA 1822-2005, has had Engrossed House Bill 1265 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed House Bill 1265 be corrected as follows:

- 1 Page 1, delete line 1 through 17.
- 2 Page 2, delete lines 1 through 26, begin a new paragraph and insert:
- 3 "SECTION 1. IC 4-22-2-24, AS AMENDED BY SEA 1822-2005,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2005]: Sec. 24. (a) An agency shall notify the public of its
- 6 intention to adopt a rule by complying with the publication
- 7 requirements in subsections (b) and (c).
- 8 (b) The agency shall cause a notice of a public hearing to be
- 9 published once in one (1) newspaper of general circulation in Marion
- 10 County, Indiana. To publish the newspaper notice, the agency shall
- 11 directly contract with the newspaper.
- 12 (c) The agency shall cause:
- 13 (1) a notice of public hearing;
- 14 (2) the full text of the agency's proposed rule (excluding the full
- 15 text of a matter incorporated by reference under section 21 of this
- 16 chapter); and
- 17 (3) after June 30, 2005, any statement required by IC 4-22-2.1-5;
- 18 to be published once in the Indiana Register. To publish the notice,
- 19 proposed rule, and statement by IC 4-22-2.1-5 in the Indiana Register,
- 20 the agency shall submit the text to the publisher. The agency shall
- 21 submit the rule in the form required by section 20 of this chapter and
- 22 with the documents required by section 21 of this chapter. The
- 23 publisher shall determine the number of copies of the rule and other
- 24 documents to be submitted under this subsection.
- 25 (d) The agency shall include **the following** in the notice required by
- 26 subsections (b) and (c):
- 27 (1) A statement of the date, time, and place at which the public
- 28 hearing required by section 26 of this chapter will be convened.
- 29 (2) A general description of the subject matter of the proposed

rule. and

(3) In a notice published after June 30, 2005, a statement justifying any requirement or cost that is:

(A) imposed on a regulated entity under the rule; and

(B) not expressly required by:

(i) the statute authorizing the agency to adopt the rule; or

(ii) any other state or federal law.

The statement required under this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

~~(3)~~ **(4) an explanation that:**

(A) the proposed rule; and

(B) any data, studies, or analysis referenced in a statement under subdivision (3);

may be inspected and copied at the office of the agency.

However, inadequacy or insufficiency of the subject matter description **under subdivision (2) or a statement of justification under subdivision (3)** in a notice does not invalidate a rulemaking action."

(Reference is to EHB 1265 as printed April 1, 2005, and as amended by the conference committee report adopted April 28, 2005.)

Senator GARTON, Chairperson

Senator R. YOUNG, R.M.M.

Senator DILLON